

PLANNING AND ZONING COMMISSION  
STAFF REPORT

May 20, 2010



Rezoning RZ 10-06: José C. Díaz

- CASE DESCRIPTION:** a request to change the zoning classification from Residential District – 5000 to Retail District (C-2)
- LOCATION:** approximately 1.7 acres of vacant land located at the southwest corner of Groesbeck and Richard Streets
- LEGAL DESCRIPTION:** Lots 2, 2A, 2B, 3 and 3A, Block 1, Thomas Heights Subdivision
- EXISTING LAND USE:** vacant
- APPLICANT(S):** José C. Díaz
- STAFF CONTACT:** Randy Haynes, Project Planner
- SUMMARY RECOMMENDATION:** Staff recommends **denying Retail (C-2) zoning** on these five lots. Alternatively, staff suggests that the Planning and Zoning Commission should consider **recommending Office (C-1) zoning** on these same five lots to the City Council.



## **BACKGROUND:**

All five lots which comprise the subject property of this zone change request are vacant. Mr. Díaz, the applicant, recently acquired the subject property and plans future development to accommodate office needs for his business, a newspaper (“La Voz Hispania”). In addition to office space for his newspaper, he currently plans to build lease spaces for other offices and possibly light retail businesses. Mr. Díaz is seeking to change the zoning classification of these five lots, from Residential District – 5000 (RD-5) to a Retail District (C-2).

## **RELATION TO BRYAN’S COMPREHENSIVE PLAN:**

Within the comprehensive plan process, issues were discussed that addressed land use concerns facing Bryan in the next twenty years. The following is an example that staff considers particularly germane to this case.

Office / Light Commercial land provides locations for lower intensity commercial activities that serve local needs. It also serves as a location for professional offices and low-impact service uses. These uses should be located in areas that are:

- At points of high visibility along non-residential arterials and major collectors and at intersections of minor arterials and major or minor arterials, major collectors and major or minor arterials, and minor collectors and major arterials;
- Convenient and accessible to residential areas;
- Providing a transitional land use between residential uses and higher intensity commercial land uses.

## **ANALYSIS:**

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to general area and the City as a whole.

**Bryan’s Comprehensive Plan generally suggests that commercial use should, where possible, be clustered at intersections of major streets that can both accommodate traffic load (commensurate with commercial use) and offer the exposure which most retail trade requires. While it is true that the subject property has some (about 170 feet) exposure to Groesbeck Street, which is classified as major arterial street on Bryan’s Thoroughfare Plan, the subject property is not located at the intersection of major streets (Richard Street is classified as a local street). The subject property is located at the entrance of the Thomas Heights Subdivision that extends east of Groesbeck Street and that was first laid out in the 1950s. This 60+ lot subdivision is mostly developed with single-family homes.**

**Given the subject property’s location adjacent to a major thoroughfare, but also in light of the density of nearby single-family homes in this area, staff believes that this currently vacant land may be suitable for some form of nonresidential use, but that such use should include less intensive neighborhood-oriented commercial rather than more intensive general or retail commercial use.**

Given the subject five lots' location in a transitional area adjacent to a major street, close to single-family housing, the City staff recommends denying C-2 zoning on these five lots. The City staff instead recommends considering C-1 zoning on the same five lots. The C-1 zoning classification allows many but not all the same commercial activities allowed within the C-2 zoning classification. For example:

- Automobile service stations are routinely allowed in C-2 but not C-1 Districts.
- Hotels and motels, gaming establishments, indoor shooting ranges, package liquor stores and pawnshops are allowed in C-2 but not in C-1 Districts.
- Automobile repair and service uses, taverns and night clubs are potentially allowed (with the Planning and Zoning Commission's approval of a Conditional Use Permit) in C-2 but not C-1 Districts.
- Restaurants, bowling alleys, reception halls, and health clubs are allowed by right in C-2 Districts, but require the Planning and Zoning Commission's approval (of a Conditional Use Permit) in C-1 Districts.

Above-described uses are more intensive commercial activities permissible within C-2 Districts and, thereby, are less compatible with nearby residences. That is why they are either prohibited from C-1 Districts (or require Conditional Use Permit approval) which are intended for close compatibility with nearby residences.

The C-1 zoning classification is intended to provide opportunities for development of business, professional and financial offices. C-1 zoning of the subject property would permit office facilities for a newspaper business by right. The character of commercial development allowed in C-1 Districts is purposefully intended to be of relatively low intensity, in comparison with retail activity allowed in C-2 and other nonresidential zoning classifications. Office buildings tend to generate less traffic than retail establishments, have little loading/unloading of products, and require limited identification by signs. Staff believes that office uses on the subject property are appropriate in this particular environment.

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

As mentioned above, the subject property is located adjacent to Groesbeck Street, which is both classified as major arterial street on Bryan's Thoroughfare Plan. In this particular case, any new development on the subject property would have to utilize Richard Street, a local street, since ordinary driveway separation standards would prohibit direct access to this property from Groesbeck Street. Staff believes that this is another reason why more intense commercial activity is not appropriate at this location. The specific availability of adequate public utilities (water and sewer) will be addressed at the time of development.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There is an adequate amount of land available for retail development within Bryan. Although there is no commercially zoned property in the immediate vicinity, the intersection of Palasota

**Drive and Groesbeck Street (0.4 miles north of the subject property) is zoned C-2 District and remains partially undeveloped. Staff believes that neither C-2 nor C-1 zoning on the subject property, if approved, would make land classified for similar development in the vicinity and elsewhere in the City unavailable for development. However, as mentioned above, staff contends that many uses within the C-2 zoning classification are too intense and therefore unsuitable for this location at the entrance to a single-family residential subdivision.**

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

**Staff contends that the recent rate that land in the area has been developing for retail or office use has been comparatively slow. A new facility for SOS Ministries, where educational vocational training and rehabilitation programs for at-risk youth and adults are being provided, was opened a few hundred feet north of the subject property within the last year.**

5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

**If either C-2 or C-1 zoning were approved, staff believes there to be few, if any, effects on other areas designated for similar developments.**

6. Any other factors which will substantially affect the health, safety, morals, or general welfare.

**Staff has been unable to identify factors affecting health, safety, morals, or general welfare relating to this request.**

#### **RECOMMENDATION:**

Staff recommends **denying C-2 zoning** on these five lots. Staff instead **recommends considering C-1 zoning** on the same five lots.